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5 **IN THE UNITED STATES DISTRICT COURT**  
6 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
7 **SACRAMENTO DIVISION**

8 STEFAN HYATT,  
9 Plaintiff,

10 vs.

11 UNION PACIFIC RAILROAD COMPANY,  
12 Defendant.

Case No.: 2:25-cv-00315-DJC-JDP

**ORDER**

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14 Based on the Parties' Stipulation, filed on May 16, 2025, the Court orders as follows:

- 15 1. Plaintiff is granted leave to file the First Amended Complaint, as attached to the  
16 Parties' Stipulation as **Exhibit A**, thereby removing Counts III and IV of Plaintiff's  
17 original Complaint with prejudice.
- 18 2. Plaintiff shall file the First Amended Complaint, attached as Exhibit A at ECF No.  
19 18-1, as a separate docket entry forthwith.
- 20 3. Defendant's Answer and Affirmative Defenses to Plaintiff's Complaint filed in this  
21 action on April 14, 2025 (ECF No. 13) shall be Defendant's responsive pleading to  
22 Plaintiff's First Amended Complaint.
- 23 4. Defendant's pending Partial Motion to Dismiss (ECF No. 15) is DENIED AS  
24 MOOT; the hearing scheduled for May 29, 2025 is VACATED and taken off  
25 calendar.

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1           5. The parties shall file a joint status report pursuant to this Court's Initial Case  
2           Management Order (ECF No. 3) within fourteen (14) days after the First Amended  
3           Complaint is filed.

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5           PURSUANT TO STIPULATION, IT IS SO ORDERED.

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7           Dated: May 19, 2025

/s/ Daniel J. Calabretta

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9           THE HONORABLE DANIEL J. CALABRETTA  
10           UNITED STATES DISTRICT JUDGE